

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ISMAEL VENTURA AND KEVIN
VENTURA,

Petitioners,

18 cv 9179 (JGK)
20 cv 8064 (JGK)
09 cr 1015 (JGK)

- against -

ORDER

UNITED STATES OF AMERICA,

Respondent.

JOHN G. KOELTL, District Judge:

The Court has received the attached correspondence from Kevin and Jose Ventura.

The Government should respond to the motion by March 31, 2021.

SO ORDERED.

Dated: New York, New York
February 25, 2021

/s/ John G. Koeltl
John G. Koeltl
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOSE VENTURA, Kevin Ventura, }
Movants, } Civil Nos. 18-9179 (Jose);
v. } 20-8064 (Kevin)
} Crim. No. 09-1015-JGK
UNITED STATES OF AMERICA, }
Respondent. } Hon. John G. Koeltl

MOVANTS' JOINT MOTION FOR CAUTIONARY INSTRUCTION

NOW COME Movants Jose Ventura and Kevin Ventura ("Movants"), acting pro se, move this Honorable Court to issue a cautionary instruction to the Government attorneys in the instant case regarding their contact, direct or indirect, with Affiant Teresa Cruz, who executed two affidavits that were filed in Jose Ventura's Section 2255 proceeding. Movants have recently learned that Ms. Cruz was contacted by two New York City Police detectives, Gary Haber and Steve Brassini, who apparently attempted to dissuade Ms. Cruz from being a witness in the instant case. According to Ms. Cruz, the two detectives went to her residence that she shares with her sister Sylvia Cruz, and when the detectives learned that Teresa Cruz was not at home they attempted to scare Sylvia Cruz by asserting that Teresa could be "causing problems" for herself by involving herself in the Venturas' case. They then left a card containing their contact information with instructions for Teresa Cruz to call them. Upon returning home, Teresa Cruz called and spoke with Detective Haber, who asked her some questions regarding her contact with Jose Ventura and then asked her to come down to the station, which, given the detectives' intimidating behavior with Sylvia Cruz, Teresa Cruz declined to do. At that point Detective Haber became verbally abusive and said she would "be sorry."

As shocking as these revelations are, they assume an even more sense of seriousness when viewed against the backdrop of Detective Haber's troubled past. Indeed, he was sued two years ago in federal court for allegedly intimidating and coercing two witnesses into

providing false statements in a State murder case. See Demosthene v. City of New York, Case No. 18-cv-1358-ARR (E.D.N.Y. 2018). (This case was dismissed for failure to prosecute after the plaintiff mysteriously disappeared.)

Thus, given Detective Haber's seemingly troubled history of intimidating witnesses and coercing perjury, couple with the fact that he and Detective Brassini have apparently already exhibited aggressive and intimidating behavior toward Teresa Cruz and her sister, Movants believe it would be altogether fitting and proper for the Court to instruct the Government attorneys in this case to refrain from engaging in, and/or sanctioning, any conduct with respect to any of the witnesses in this case that could reasonably be viewed as intimidating or otherwise as an attempt to obstruct justice. The Court may also want to advise the Government that if it wishes to send law enforcement officers to speak with Movants' witnesses, it would do well not to dispatch a detective so recently accused of eliciting, through threats, intimidation, and coercion, false statements from terrified witnesses. (Or perhaps that is exactly why the Government dispatched Detective Haber.)

WHEREFORE, in light of the above, Movants pray that this motion will be granted.

Respectfully submitted,



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Date: 1/05/21



Kevin Ventura
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Date: 1/05/21

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was sent, via first-class prepaid mail, this 5th day of January, 2021, to the following counsel for the Government:

Ms. Emily Johnson
Assistant United States Attorney
One Saint Andrew's Plaza
New York, NY 10007



Jose Ventura